

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- against -

OMARI WILLIAMS,

Defendant.

20-cr-701 (JGK)

ORDER

JOHN G. KOELTL, District Judge:

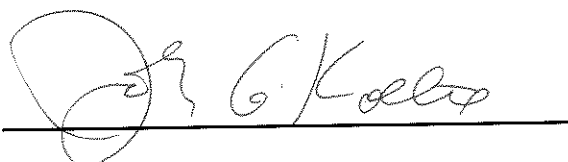
The plea agreement in this case assumed that Hobbs Act robbery, in violation of 18 U.S.C. § 1951, was a "crime of violence" sufficient to trigger the application of the career offender provision in Section 4B1.1 of the United States Sentencing Guidelines ("U.S.S.G."). The Pre-Sentence Report accepted the same proposition, and the sentencing submissions by both the defense and the Government accepted that same proposition for the calculation of the Guidelines range. However, in United States v. Chappelle, 41 F. 4th 102, 112 (2d Cir. 2022), the Court of Appeals for the Second Circuit recently held that "Hobbs Act robbery is not a 'crime of violence,' as that term is defined in U.S.S.G. § 4B1.2(a) (2018)."

The parties should discuss the impact of Chappelle on the Guideline calculations in this case, and should submit revised sentencing memoranda. The parties should discuss this issue with one another before the submission of the revised sentencing

memoranda. The defendant's subsequent sentencing memorandum is due on **January 13, 2023**. The Government's subsequent sentencing memorandum is due on **January 20, 2023**. Sentencing is adjourned to **February 9, 2023**, at **2:30 p.m.**

SO ORDERED.

Dated: New York, New York
December 16, 2022

A handwritten signature in black ink, appearing to read "John G. Koeltl", is written over a horizontal line.

John G. Koeltl
United States District Judge